

# RANKING SPECIALIZED LAW REVIEWS: A METHODOLOGICAL CRITIQUE

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## I. INTRODUCTION

"Rankings" are all the rage in academia. Academic departments, professional schools, and even entire universities are now mercilessly slotted into rigid pecking orders by ordinalist zealots. Law review rankings have also been circulating for over two decades, and we are now starting to see this ranking mania extend even to specialized law journals, as evidenced by *An Empirical Evaluation of Specialized Law Reviews*<sup>1</sup> and two articles along similar lines that—yes, I admit it—I recently published myself.<sup>2</sup> Virtually everyone in the academic world criticizes these ranking efforts, but almost everyone also pays more attention to them than they are willing to admit.

I believe this literary genre is here to stay, and the most we can reasonably hope for is that these ranking efforts be done as well as possible. A few general principles should guide any efforts to rank in ordinal fashion any group of entities, be they universities, law schools, or even law reviews. While these principles are difficult to implement, they cannot be ignored lest the resulting rankings be useless or even misleading.

Anyone attempting to develop rankings should at the outset have a clear sense of the point of the exercise. Who will utilize the rankings, and for what purposes? By definition, any rank ordering arranges the entities under investigation in an ordinal fashion with regard to the relative magnitudes of the particular characteristics that are quantified for the purpose, and thereby ignores all other charac-

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1. Tracey George & Chris Guthrie, *An Empirical Evaluation of Specialized Law Reviews*, 26 FLA. ST. U. L. REV. 813 (1999).

2. See Gregory Scott Crespi, *Ranking the Environmental Law, Natural Resources Law, and Land Use Planning Journals: A Survey of Expert Opinion*, 23 WM. & MARY ENVTL. L. & POL'Y REV. 273 (1998) [hereinafter Crespi, *Environmental Law*]; Gregory Scott Crespi, *Ranking International and Comparative Law Journals: A Survey of Expert Opinion*, 31 INT'L LAW. 869 (1997) [hereinafter Crespi, *International Law*].

teristics of the entities. It is obviously premature to attempt to develop rankings based upon specially selected characteristics of the entities before first identifying what people want to know about these entities, and then concluding that those inquiries could be made more easily or accurately if an ordinal ranking addressing those characteristics were available.

Once one has determined the decisions one wishes to facilitate, and thereby has a sense of what information is most relevant to those decisions, one must determine the methodology that best summarizes that information in a rank order format, given applicable cost limitations and other feasibility constraints. Several basic choices must be made in formulating such a ranking methodology.

First, one must define the universe of entities to be ordinally ranked. This universe should ideally include all those entities being compared by the persons who have to make the decisions at issue, but not any other entities that are not relevant to those decisions.

Second, one must define the criterion that will be used to determine the relative position of each individual entity in this universe and then formulate a procedure for assigning numbers to each individual entity that corresponds to the degree to which that entity exhibits that criterion. The criterion should ideally include all characteristics of the entities that are relevant to the decisions at issue, and no others. The numerical procedure should assign numbers that accurately reflect the significance of the differences observed among the individual entities. If more than one characteristic of the entity will be taken into account in calculating the criterion score, then one must also decide upon a mathematical algorithm that will reduce to a single number the different numbers assigned to each characteristic.

With these preliminary thoughts in mind, I will now discuss whether *An Empirical Evaluation of Specialized Law Reviews* demonstrates an adequate grasp of these principles and whether the results that Tracey George and Chris Guthrie (George & Guthrie) present in this study are convincing and useful. Let me state at the outset that my general conclusions are unfortunately more critical than laudatory. I applaud the authors' considerable efforts to develop a meaningful rank ordering of specialized law reviews, and I would like to see more work done along these lines. However, few of the many choices made by the authors in designing their research methodology are adequately explained and justified in their article, and the results of their study are not particularly convincing.

## II. THE GEORGE & GUTHRIE RANKING STUDY

### A. *The Purpose of the Study*

A person might wish to compare specialized law reviews for a number of reasons. A faculty member, or a present or prospective law student, for example, might be interested in the comparative merits of specialized law reviews as vehicles for training law students in legal research, writing, and management skills—arguably their most important functions.<sup>3</sup> Alternatively, one might be an author interested in the comparative merits of specialized law reviews as a way of quickly and widely communicating her research findings to a target group of people in her field of expertise, as compared to more general law reviews. Another author might be primarily interested in the comparative prestige of the members in a group of specialized law reviews, or in their prestige compared to particular flagship law reviews. One might even be a law school faculty member or dean seeking to make a hiring, promotion, or tenure decision, who might covertly seek a means for making a rough assessment of the merits of a candidate's scholarship based on its publication in a relatively prestigious specialized law review, rather than on the merits of the writing itself.

The different informational needs of these diverse "consumers" of law review rankings necessitate that choices be made by anyone developing such rankings. One could, for example, design a very narrowly focused ranking study intended to provide information particularly useful to one of these target groups. Instead, one might attempt to develop a more comprehensive rank ordering based upon incorporation of a larger number of the characteristics of different specialized law reviews. Such a comprehensive rank ordering might serve the purposes of several or all of the above groups, but with the inevitable trade-off of being less useful to a group with particular interests.

George & Guthrie do not make sufficiently clear what purposes they hope their ranking study will serve, nor how these purposes inform their subsequent methodological choices. They begin their article with a history of the growing numbers and variety of specialized law reviews, and of the various motivations of law schools, law faculties, and law students in pushing for that expansion. They then state in a quite brief and conclusory fashion that because so many specialized law reviews are relatively new, "legal scholars" possess little information about their "relative quality" and, therefore, need guidance

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3. See, e.g., Michael L. Closen & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15, 24 (1996); Lawrence Friedman, *Law Reviews and Legal Scholarship: Some Comments*, 75 DENV. U. L. REV. 661, 662 (1998).

"regarding the relative prestige of specialized reviews" so they can make more informed "reading and writing decisions."<sup>4</sup>

In their rank ordering, George & Guthrie have apparently chosen to ignore altogether the relative merits of the different law reviews as student instructional vehicles, even though this is arguably the most important function those journals serve. One can offer reasonable arguments for taking this tack. For example, this aspect of journal performance, while important, may be inherently impossible to quantify. Other plausible justifications for abstracting from this dimension of journal quality might be that there is little difference across journals in the degree of success with which they achieve this objective, or that differences in performance in this regard are too variable from year to year to incorporate into rankings without destroying their stability. Unfortunately, the authors fail to make the case for ignoring this aspect of law journal performance in their ranking criterion. This omission raises concerns that they may not have thought through all of the issues that their study raises.

Even with regard to their asserted "legal scholar" target audience, George & Guthrie fail to recognize important distinctions among the decisions those individuals must make. Some authors considering article placement, for instance, may place priority on rapid and broad dissemination of their findings. They would benefit most from rankings that reflect in a significant fashion such factors as the relative timeliness of editorial responses to submissions and subsequent publication, and the size or breadth of the journal's circulation. Other authors seeking article placements may be concerned as much or more with the consequences of their journal choice for their general reputation among their faculty colleagues than they are with the advantages of rapid and broad intra-field communication. Still other users may be faculty members or deans who are not writing for those specialized law reviews but instead are evaluating candidates for tenure or promotion based on articles the candidates published in specialized law journals. Consequently, this group would be primarily interested in the relative prestige of the journals as perceived by experts in that particular field.

If these latter groups are the main "consumers" of the rankings, a strong case can be made for focusing the ranking methodology on prestige-related factors, rather than other factors such as the timeliness of response to submissions and publication, editorial staff qualifications, or the scope of distribution. Once again, however, George & Guthrie fail to offer arguments defending their choice of using prestige as the primary evaluative criterion.

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4. George & Guthrie, *supra* note 1, at 824.

### B. *The Universe of Journals Considered*

George & Guthrie chose to define as their universe for comparison a set of 285 specialized reviews published by law schools.<sup>5</sup> While they apparently included as many student-edited and faculty-refereed law school journals as was reasonably possible, they omitted specialized law journals published by professional or bar associations, as well as symposium-only journals published by law schools. Some of these omitted journals are clearly among the leading journals in their particular fields.<sup>6</sup> George & Guthrie noted this omission towards the end of their article in a cursory paragraph that suggests that they understand how this limitation reduces the usefulness of their results, yet they do not give any justification for taking this approach.<sup>7</sup>

Given George & Guthrie's proclaimed target audience of "legal scholars" seeking to make "writing decisions," their exclusion of specialized journals published by professional associations may be an unwise move that sharply reduces the value of their rankings.<sup>8</sup> For instance, scholars who are considering whether to place their work with a specialized law journal will generally consider the option of publishing in a professional association journal, rather than in a law school journal, especially when professional association journals are viewed as the leading journals in the particular field. Moreover, faculty members evaluating the work of their colleagues may base their evaluations to some extent on the status of the publishing journal. To make informed decisions, this group would presumably appreciate having the leading professional association journals included in the rankings.

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5. See *id.* at 829. George & Guthrie began with 330 law-school published specialized law reviews, see *id.* at 822 n.56 and accompanying text, and then reduced this number to 285 journals by eliminating 45 journals that were published in symposium-only format during the period under consideration or that had not yet distributed their premiere issues prior to January 31, 1998, see *id.* at 829-30.

6. For example, George & Guthrie omitted from their study the highly influential specialty law journals the *American Journal of International Law* and *The American Journal of Comparative Law*, as well as other influential international and comparative law journals published in the United States outside law schools. In my study of the relative academic reputations of 88 American international and comparative law specialty journals, these two journals received the top two rankings by a substantial margin. See Crespi, *International Law*, *supra* note 2, at 874.

In addition, George & Guthrie omitted both *The Environmental Lawyer* and the *Environmental Law Reporter*, both specialty journals that are very well regarded by experts in that field. See Crespi, *Environmental Law*, *supra* note 2.

7. George & Guthrie stated:

[A] handful of significant specialized reviews are excluded from this ranking because they are not law school-affiliated or are published in a symposium-only format. We recognize that some of these reviews would appear at the top of our ranking if they were included within the scope of our project.

George & Guthrie, *supra* note 1, at 836.

8. See *supra* note 7.

In addition, legal scholars interested in utilizing a ranking of specialized law reviews probably want to see at least the better specialty journals compared with flagship law journals. Authors often face the choice of publishing their work either in a "leading" specialized journal or in a middle-of-the-pack flagship law journal, and they might welcome some assistance in making this decision. The same would be true for faculty or deans evaluating the quality of their colleagues' specialized law review pieces by comparing them with those appearing in flagship reviews.

Substantial difficulties may be involved in enlarging an already rather comprehensive study to include perhaps as many as 200 additional journals. However, including a handful of leading professional association journals, and a representative cross-section of flagship law journals drawn from the different "tiers" of law schools, might have greatly enhanced the utility of George & Guthrie's rankings without unduly expanding the analytical difficulties involved. This is especially true given that George & Guthrie's "author-prominence scale" methodology<sup>9</sup> seems as easily applied to professional association and flagship law journals as it is to specialized law reviews and that their methodology does not become inherently unwieldy when very large numbers of entities are being ranked.<sup>10</sup> Unfortunately, the authors do not discuss why they so limited the scope of their efforts or how much this limitation might affect the usefulness of their results.<sup>11</sup>

### C. *George & Guthrie's Ranking Methodology*

George & Guthrie elected to utilize a single-factor method of ranking the top 100 journals within their universe of 285 specialized law reviews, which they label the "author-prominence" approach.<sup>12</sup> Under this approach, each author who published an article in a spe-

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9. George & Guthrie's "author-prominence scale" methodology is discussed more fully in Part II.C.

10. As does, for example, the expert opinion survey methodology I utilized in my earlier work in this area, which required the respondent to keep in mind the entire universe of candidates when determining his rankings. See Crespi, *Environmental Law*, *supra* note 2.

11. In all candor, I must concede that I also limited the scope of my two ranking exercises to specialized law reviews and did not attempt to make direct specialized journal/flagship journal comparisons. See *generally supra* note 2. However, I did recognize that this limitation was a shortcoming of my work and recommended that future studies deal with an expanded universe of journals that include some flagship law reviews. See Crespi, *International Law*, *supra* note 2, at 882. In my study of the environmental law/natural resources law/land use planning specialty law journals, two of the specialty journals I ranked—*Environmental Law*, published by the Northwestern School of Law at Lewis and Clark College, and the *Land and Water Law Review*, published by the University of Wyoming College of Law—double as their law schools' flagship law journals, which gives my study at least a slight degree of usefulness for specialty journal/flagship journal status comparisons. See Crespi, *Environmental Law*, *supra* note 2.

12. George & Guthrie, *supra* note 1, at 826 & n.73.

cialized law review was assigned a score between twenty-five and 1000 on an author-prominence scale originally developed by Professors Robert M. Jarvis and Phyllis G. Coleman (Jarvis & Coleman).<sup>13</sup>

The journals were then ranked based on their mean author-prominence scores averaged over all articles appearing in that journal during the 1990-98 survey period.<sup>14</sup> George & Guthrie chose this approach rather than an approach using citation counts, library usage surveys, expert opinion surveys, or alternative single-factor methods employed by other scholars for journal-ranking purposes, and they briefly note without discussion some criticisms of these other methods.<sup>15</sup>

As I discussed in Part I, a number of significant choices must be made in the design of a ranking methodology. The greatest shortcoming of George & Guthrie's article is its failure to offer anything even remotely approaching an adequate explanation and justification for their methodology.

First of all, George & Guthrie fail to offer a justification for their use of a single-factor method of ranking journals, rather than a more comprehensive approach that incorporates two or more indicia of journal quality. While the single-factor method spares one from the substantial difficulties of developing an algorithm for combining the scores assigned to two or more indicia of quality,<sup>16</sup> the inevitable trade-off is that every aspect of law journal quality other than those reflected in the single measured factor is thereby ignored. It is not intuitively obvious, however, that using such a severely reductionist, single-factor framework pays its way, so to speak, in terms of enhanced analytical tractability. This important threshold methodological choice merits at least some explicit discussion by the authors.

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13. See Robert M. Jarvis & Phyllis G. Coleman, *Ranking Law Reviews: An Empirical Analysis Based On Author-Prominence*, 39 ARIZ. L. REV. 15, 16 & 17 tbl.I (1997).

14. See George & Guthrie, *supra* note 1, at 830-31.

15. See *id.* at 824-26. Their specific criticisms of my expert opinion survey methodology were its "limited applicability" to a single subject area, and its "response rate." *Id.* at 825-26. With regard to the former criticism, my rank orderings presented in *The International Lawyer* were primarily aimed at international and comparative law scholars seeking to make article placement decisions with future tenure or promotion decisions in mind. Given this fact, my limitation of the universe of specialized journals to international and comparative law publications seemed a sensible strategy, as well as one that made it easier for polled experts to respond meaningfully.

With regard to the "response rate" criticism, my sample of 80 responses out of a target population of 250 scholars is easily large enough to make highly significant statistical generalizations about the relevant population variables unless a significant nonresponse bias were present that made my sample unrepresentative. See Crespi, *International Law*, *supra* note 2, at 880. I could think of no reason why such a nonresponse bias might be present in my sample, and George & Guthrie have not offered any suggestions to that effect.

16. Consider, for example, the complex and controversial multifactor framework utilized by *U.S. News & World Report* in preparing its infamous annual law school rankings. See generally 1998 *Annual Guide: Best Graduate Schools*, U.S. NEWS & WORLD REP., Mar. 2, 1998, at 80.

After declaring their commitment to a single-factor ranking methodology focusing upon relative journal prestige, George & Guthrie offer a plausible, but very short, argument for using some form of author-prominence index as the ideal single-factor criterion in measuring journal prestige.<sup>17</sup> I would like to have seen a somewhat more extended discussion of the relative advantages and disadvantages of these different indicia of journal prestige and a demonstration of why the balance of advantage lies with the author-prominence approach. However, I was more troubled by George & Guthrie's failure to provide an adequate justification for their use of the particular Jarvis & Coleman variant of the author-prominence methodology.<sup>18</sup> The only argument they offer for using this scale, rather than developing their own improved numerical scale, is that they sought to further the "purposes of consistency and comparison."<sup>19</sup>

I agree that consistency is indeed a virtue, but certainly not the only virtue relevant to scholarship. The Jarvis & Coleman author-prominence scale appears impressively detailed and comprehensive at first glance,<sup>20</sup> but a closer inspection of its categories and numbers reveals that it is really quite an arbitrary and controversial framework. As Jarvis & Coleman themselves concede, almost none of the authors publishing in law journals qualify for any of the many top grades of author-prominence defined in their scale.<sup>21</sup>

It is debatable whether the ratios among the scores that Jarvis & Coleman accorded to different tiers of law professors and between law professors and other types of authors accurately reflect the differential "prestige" they enjoy.<sup>22</sup> For example, is an article by a third-

17. See George & Guthrie, *supra* note 1, at 826.

18. It is not entirely clear that George & Guthrie in fact applied the Jarvis & Coleman methodology in exactly the same way as did its developers. George & Guthrie applied the author-prominence factor to all articles published in the subject law reviews, while Jarvis & Coleman claimed to apply it only to "lead articles." Jarvis & Coleman, *supra* note 13, at 16. While Jarvis & Coleman's article is not entirely clear on this point, it appears that the phrase "lead articles" referred only to the single most featured article in each journal issue and not to all full articles contained within those issues.

19. George & Guthrie, *supra* note 1, at 826.

20. See Jarvis & Coleman, *supra* note 13, at 17 tbl.I.

21. See *id.* at 16 n.7.

22. The crucial categories and author-prominence numbers utilized for ranking purposes are as follows:

CATEGORY	A-P SCORE
Law Professor—First Tier School	625.00
Law Professor—Second Tier School	475.00
Law Professor—Third Tier School	400.00
Law Professor—Fourth Tier School	275.00
Law Professor—Fifth Tier School	225.00
Non-Law School University Professor	200.00
Lawyer (not a professor or judge)	175.00

*Id.* at 17 tbl.I.

The tier classifications applied to professors are derived from the *U.S. News & World Report* rankings. See Jarvis & Coleman, *supra* note 13, at 17. The choice of a baseline-



tier law professor really worth precisely 0.64 of the value of an article written by a first-tier law professor, or twice as much as an article written by a non-law school university professor? Perhaps the relative spread between the tiers should be greater, perhaps smaller. In any event the use by George & Guthrie of the Jarvis & Coleman author-prominence scale merits more discussion on their part.

In a short paragraph, George & Guthrie acknowledge the significant bias this methodology exhibits against those specialized law reviews that publish a significant number of legally-oriented works authored by scholars based in other disciplines.<sup>23</sup> Notwithstanding this bias, they defend their use of the Jarvis & Coleman methodology on the grounds that the low author-prominence figure accorded non-law school academics accurately reflects their general lack of prominence or influence "in the legal world."<sup>24</sup> This is a very sweeping assertion that does not necessarily hold true for all specialized legal fields and that certainly merits elaboration.

#### D. *The Results of the George & Guthrie Study*

George & Guthrie present a rank ordering of the top 100 specialized law reviews derived from application of their methodology to their universe of 285 journals.<sup>25</sup> *The Supreme Court Review*, the *Tax Law Review*, and *Constitutional Commentary* received the top three places, well ahead of the rest of the field.<sup>26</sup> From fourth-ranked *Journal of Legal Studies* on down, the ranking scores decline rather evenly and gradually, with no further obvious "gaps" in the hierarchy.

George & Guthrie offer several short comments on their rank orderings. They note that reviews published by elite law schools were disproportionately represented toward the top of the rankings, that a number of non-elite schools had reviews with lofty rankings, that a large number of specialty areas were represented, and that many reviews at the very top of the rankings were faculty-edited.<sup>27</sup>

Comparing the George & Guthrie rankings with those derived from a broad range of different approaches would, of course, be use-

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ranking year is significant for this methodology because the "tier" status of a particular school can vary from year to year. George & Guthrie utilized the 1995 rankings, rather than more recent rankings, for comparability purposes since their understanding was that Jarvis & Coleman had utilized this ranking year. See George & Guthrie, *supra* note 1, at 828 n.80. Unfortunately, I could find no reference in the very short Jarvis & Coleman article to the date of the *U.S. News & World Report* rankings there utilized, so I assume that George & Guthrie have knowledge of this date from some other source.

23. See George & Guthrie, *supra* note 1, at 836.

24. See *id.*

25. See *id.* at 831-35 tbl.4.

26. See *id.* at 831 tbl.4.

27. See *id.* at 835.

ful. However, because the only other efforts to rank specialized law reviews that I am aware of are my own two articles recently published in *The International Lawyer* and the *William and Mary Environmental Law and Policy Review*,<sup>28</sup> these articles provide the only comparisons that I am able to offer. The rankings I derived through my expert-opinion survey methodology were quite different in some regards from those reached by George & Guthrie. Therefore, I have some additional comments on their results. Let me briefly point out the more striking contrasts between my earlier findings and their work.

My article in *The International Lawyer* was based upon eighty responses to a survey sent to 250 senior faculty members in the relevant fields. The survey concerned the relative "academic reputations" of the eighty-eight international and comparative law specialty journals published in the United States and listed in *Anderson's 1997 Directory of Law Reviews and Scholarly Legal Periodicals*.<sup>29</sup> The top two journals in my rankings—by a quite substantial margin—were the *American Journal of International Law* and *The American Journal of Comparative Law*,<sup>30</sup> both published by professional associations and consequently omitted from the George & Guthrie study. This fact emphasizes my earlier observation that perhaps George & Guthrie should have included such professional association legal journals in their study.

Surprisingly, of the many international law or comparative law journals that fared well in my study, none fared particularly well in the George & Guthrie study. The *Columbia Journal of Transnational Law*, for example, which ranked fourth of eighty-eight specialty journals in that field in my study, was only ranked fifty-sixth out of 285 journals by George & Guthrie, and the *Stanford Journal of International Law*, which ranked twelfth in my study, came in only ninety-ninth in their study.<sup>31</sup> Most strikingly of all, the *Harvard International Law Journal*, which ranked third in my study, and the *Yale Journal of International Law*, which ranked fifth in my study, did not even make George & Guthrie's top 100 list! Yes, Harvard and Yale, while you fiercely compete with one another for prominence, the word from George & Guthrie is that your international law journals are not even players in their fields!

My article in the *William and Mary Environmental Law and Policy Review* was based on sixty responses to a survey sent to 200 sen-

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28. See Crespi, *Environmental Law*, *supra* note 2; Crespi, *International Law*, *supra* note 2.

29. MICHAEL H. HOFFHEIMER, *ANDERSON'S 1997 DIRECTORY OF LAW REVIEWS AND SCHOLARLY LEGAL PERIODICALS* 18-23, 35-36 (3d ed. 1997) [hereinafter *ANDERSON'S DIRECTORY*].

30. See Crespi, *International Law*, *supra* note 2, at 874.

31. See *id.*

ior faculty members in the environmental law, natural resources law, and land use planning fields. Again, the survey concerned the relative academic reputations of the thirty-seven American specialized law journals in those fields listed in *Anderson's Directory*.<sup>32</sup> The top-ranked journal in my study, again by a substantial margin, was the *Ecology Law Quarterly*,<sup>33</sup> which was ranked only sixty-second in the George & Guthrie study. A surprising result was that not one of the environmental law/natural resources law/land use planning journals included in my rankings was ranked higher than fifty-second in the George & Guthrie study.

In summary, the George & Guthrie ranking exercise generated at least two interesting results. First, their author-prominence methodology generated ordinal rankings that, at least for the international/comparative law and the environmental law/natural resources law/land use planning fields, differ dramatically from the rankings I derived from the opinions of academics in those fields. This was particularly true of journals published by the more elite law schools, which generally fared well in my study but extremely poorly in their rankings. This finding seems to sharply qualify their observation that their rankings exhibited generally disproportionate representation of elite law school journals at the top of their rankings.<sup>34</sup>

It is difficult to explain this divergence between their rankings and mine. George & Guthrie offer no explanation; their article makes no attempt to reconcile their rankings with those that I obtained through my expert opinion survey methodology. Do the differences reveal that senior scholars, at least in the particular fields of law I examined, can see beyond author-prominence factors and evaluate the "true" quality of a journal's content? Is some important aspect of journal prestige, such as association with an elite law school, not fully captured by a measure focusing on the prominence of authors published in the journal? Or, do my conflicting findings merely reveal that academics have so internalized the pro-Ivy League bias that they are insensitive to the shortcomings in the qualifications of the authors published by elite law school journals identified by the George & Guthrie rankings?

A second interesting result is that the international/comparative law journals and the environmental law/natural resources law/land use planning journals, as a group, fared quite poorly in the George & Guthrie rankings. Not a single one of the international/comparative law journals ranked higher than twenty-fourth, and no environmental law/natural resources law/land use planning journal ranking higher than fifty-second. Does this result reveal that specialized

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32. See ANDERSON'S DIRECTORY, *supra* note 29, at 15-17, 33-34.

33. See Crespi, *Environmental Law*, *supra* note 2.

34. See George & Guthrie, *supra* note 1, at 835.

these fields are as a general matter inferior in prestige to journals with a constitutional law or a gender and the law focus, for example? Or is the author-prominence methodology inherently biased against these sorts of specialty journals? I suspect the latter is the case, but without further inquiry and analysis any explanations for these findings are highly speculative. A brief examination by George & Guthrie of the Jarvis & Coleman author-prominence rankings of flagship law reviews for possible biases and incongruities would have been helpful, along with a discussion of whether and to what extent their rankings may exhibit similar difficulties.<sup>35</sup>

### III. CONCLUSION

I hope I have not appeared to be unduly critical in my review of *An Empirical Evaluation of Specialized Law Reviews*. Tracey George and Chris Guthrie are to be complimented for their substantial efforts to bring a modicum of order to the chaotic proliferation of specialized law reviews. Moreover, academic rankings are now a fact of life, and they often fulfill the legitimate need for roughly accurate and inexpensive comparative information. If various academic enterprises are going to be ranked, then it is probably best that we academics play a role in developing the ranking methodologies to ensure that they are prepared in an intellectually defensible manner. Even those studies that advance problematic results will help move forward academic dialogue and ultimately create more useful ranking approaches.

George & Guthrie's article, however, has some shortcomings. First of all, their presentation fails to demonstrate a full awareness of the many considerations that should be involved in selecting a ranking methodology, and it does not provide an adequate explanation and justification of the approach they followed. Their decisions to employ a single-factor ranking methodology focused on measuring relative journal prestige, to apply the Jarvis & Coleman author-prominence scale, and to exclude several prominent professional association-published journals all merit more extensive discussion.

Second, their article should have included an in-depth analysis of the implications of their results. Their rankings are in several instances quite surprising and inconsistent with the work I have done ranking specialized law journals. Given this clash with both common intuition and prior scholarship, it is incumbent on the authors to demonstrate that their methodology is a trustworthy guide. If George

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35. George & Guthrie did note briefly that the Jarvis & Coleman results were highly correlated both with other rankings of generalist reviews and with the *U.S. News & World Report* law school rankings, but they did not comment on how their own rankings performed in this regard. See George & Guthrie, *supra* note 1, at 829.

& Guthrie are going to make the bold claims that, for example, the *Harvard International Law Review* and the *Yale Journal of International Law* are not even among the top 100 specialized law reviews, and that the *Ecology Law Quarterly* ranks only sixty-second, they need to convince their more skeptical readers that these results truly reflect underlying differences in journal prestige rather than defects in their approach.